

NEWSLETTER

OKLAHOMA EASTERN DISTRICT
BANKRUPTCY COURT
January 31, 2007

All of us at the Eastern District of Oklahoma Bankruptcy Court hope that your new year is off to a good start. This newsletter includes information that we believe will be of benefit to you.

We have several new orders in the court that we wanted to draw your attention to.

NEW GENERAL ORDERS:

General Order No. 61:

This order relates to the Electronic Transcript Policy. Since transcripts are now available on line through our court, there is a new policy regarding redaction of personal data identifiers. When a transcript has been completed by the transcriber, a notice will go out to the parties giving them five (5) business days to file a Notice of Redaction with the Clerk, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The personal data identifiers include:

- Social security numbers
- Financial account numbers
- Names of minor children
- Dates of birth
- Home addresses of individuals.

If no such notice is filed within the allotted time, the court will assume that redaction of personal data identifiers from the transcript is not necessary and the transcript will be made electronically available on the sixth business day unless the court, for good cause, makes the determination that the transcript should not be made available electronically for a period of up to 60 days.

If the parties file a Notice of Redaction, then within 21 calendar days of the filing of the transcript or longer, if the court orders, the parties shall file with the court and submit a copy to the reporter or transcriber, a statement indicating the location of the personal data identifiers by including the page and paragraph or line number where those personal data identifiers are located. The transcriber will then partially redact that information from the electronic transcript.

If there are additional items that the parties would like to be redacted besides those five (5) previously listed, they should file a motion with the court during that 21-day period to request additional redactions to the transcript. The transcript will not be electronically available until the court has ruled on any such motion.

General Order No. 62:

Many of you have been receiving notices about filing a Corporate Affiliation Statement. This new order replaces the prior General Order No. 56. Pursuant to Bankruptcy Rule 1007(a) and Bankruptcy Rule 7007.1, any corporation, other than a governmental unit, that is a debtor in a voluntary case, party to an adversary proceeding, participant in a contested matter, or a party that accepts appointment to a committee of creditors, shall file a statement that identifies all corporations, other than a governmental unit, that directly or indirectly own ten percent (10%) or more of any class of the corporation's equity interests, or state that there are no entities to report. The Corporate Ownership Statement should be made in a separate pleading to be filed concurrently with the first pleading filed by a corporate entity in a case or proceeding, or within ten (10) days of the date the notice is sent, the appointment of a creditor's committee or after filing a response or objection initiating a contested matter. This rule also requires that membership interest in limited liability companies and similar entities should also be included in the disclosure statement.

General Order No. 63:

We now have a General Order relating to the Request for Payment of Unclaimed Funds. In the past, there has been a lack of uniformity in our court in the way requests for unclaimed funds have been made. The new order addresses this issue. Any person or entity may make a claim for funds which were ordered to be paid to that person or entity from a bankruptcy estate but were not paid. Pursuant to 28 U.S.C. § 2042, you must provide notice to the United States Attorney for the Eastern District of Oklahoma including

providing proof of the right to payment of such funds. If no objection has been filed within 15 days from the date of the filing of the application, an application which provides sufficient documentation to establish the identity of the claimant and the authority of the application to make the claim, may be approved without a hearing. Our general order has a sample form to utilize for the Application for Payment of Unclaimed Funds.

REDACTING INFO:

The Court would like to remind attorneys, creditors and all those that file within the court to please remember to redact social security numbers and personal identifying information such as bank account numbers, etc. Many of you have received courtesy calls from the Clerk's office when you file such things as payroll advices or Form 21's that include the entire social security number of the debtor. Please remember that Form 21 is to be held in the attorney's office and is not to be filed with the court unless a debtor is pro se.



We are also receiving numerous creditor's claims with social security numbers listed in full. Once they have been filed, that information is available to the public. Therefore, we want to encourage everyone to please redact all but the last four numbers of the social security number or the entire social security number when filing creditor's claims or payment advices. This also occurs when exhibits are attached to various pleadings that have debtor's social security numbers on the attachment.

WINTER WEATHER WOES:

The Eastern District, as well as all of Oklahoma, has experienced severe weather

over the last few months. An interesting phenomenon has occurred within the court now that we are on electronic filing. During the snow storm of late November, when many offices were closed and travel was limited, we expected very little business within the clerk's office and were surprised to have experienced the opposite effect. We advertise CM/ECF as allowing attorneys to file 24 hours a day, seven days a week, and we certainly experienced this during the November snow storm. We had our highest number of new case filings the day after the snow hit, indicating that as attorneys you are utilizing the ability to file from home, which is one of the benefits of implementing CM/ECF.



On the other side, the most recent ice storm caused many of our attorneys, as well as many residents of the Eastern District, to lose power for a substantial length of time. This is just a reminder that if this occurs, and you have pleadings that need to be filed, please contact the clerk's office. We will certainly try to help any way we can in allowing pleadings to be filed when electricity is unavailable or internet service is down. Various options may include mailing the pleadings, or if your internet service is down, but electricity is available, you may fax the pleadings after requesting permission to do so from our office.

FILING FEES:

Many of you realize that filing fees changed as of January 1, 2007. Those include conversion fees as follow:



Ntc. Of Conversion

Ch 13 to7	\$ 25.00
Ch 12 to 7	\$ 60.00

Conversion From:

Ch 12 to13	\$ 35.00
Ch 7 to 11	\$755.00
Ch 11 to 7	\$ 15.00

Motion Converting:

Ch 12 to 7	
<i>(At filing)</i>	\$ 15.00
Add'l. Fee	\$ 45.00
<i>(At time of conversion)</i>	
Ch 12 to 11	\$800.00
Ch 13 to 7	
<i>(At filing)</i>	\$ 15.00
Add'l. Fee	\$ 10.00
<i>(At time of conversion)</i>	
Ch 13 to 11	\$765.00

The fee for a split Chapter 7 case will be \$260.00; and for a split Chapter 13 case will be \$235.00. Direct appeal to the Court of Appeals will be an additional amount of \$200.00 if the appeal is authorized. To reopen a Chapter 7 case, the fee is \$260.00; to reopen a Chapter 13 case the fee is \$235.00 and to reopen a Chapter 15 case, the fee is \$1,039.00. Please look at our website for the changes in the fee schedules.

PAY.GOV:

Beginning on February 1, 2007, when you pay for filing fees through CM/ECF using Pay.gov, you will now be asked for the security numbers on the back of the credit card. There have been some problems in other states with people using other people's credit cards, so this is just a security precaution for filing. Again, it will be required beginning February 1, 2007.

MAINTAINING / UPDATING YOUR CM/ECF ACCOUNT:

It appears that the first of the year is a good time to ask people to look at your contact information on CM/ECF. If you have any information in CM/ECF that needs to be edited, such as an incorrect e-mail address, telephone number or address, please edit the data in CM/ECF to show the correct information.

In the event of an attorney changing firms, we are asking attorneys to please update their CM/ECF account. There are various reasons court staff may need to contact the attorney and having updated information is vital. The steps for updating a CM/ECF Account are below.

Login to the CM/ECF Live System using your CM/ECF login. Select Utilities from the CM/ECF Menu. Select Maintain Your ECF Account. The first screen presented lists office, address, phone, etc. This information should be updated as needed. Next, select the E-mail Information button. The Primary e-mail address as well as any additional addresses can be updated here. Once this screen is updated, select Return to Account screen and then Submit once all information has been reviewed for accuracy. You will then be asked to select specific cases for which these changes should be applied or to Update All.*** Once this determination is made, click submit to continue with the update.

***In most situations Update All is selected, but in the instance of an attorney leaving a firm and taking certain cases with them, the attorney would select only the cases that the attorney would continue to handle. This action would only update the cases selected.

All other cases would not be updated and would maintain the old address, email information, etc.

Notifying the Court of Firm/ Attorney Changes

Please note, any attorneys new to a case, such as taking over a case for an attorney that has left the firm, should file an Entry of Appearance with the court in the specific cases(s).

Also, an attorney having an address change should file a Notice of Change of Address with the court in the specific case(s).

In addition, attorneys with multiple offices should be aware that an additional registration form should be submitted for each office. A separate login is needed for each address and a note should be submitted with the registration stating that it is a request for an additional login.

The Court would like to remind all ECF participants that they should not reply directly to any automated ECF notices sent out by the CM/ECF system, including questions about an ECF filing or electronic notice as well as their own automated "Out of Office" e-mail message replies.

If you use an "Out of Office" e-mail rule, please remember to configure your "Out of Office" messages or mailbox attendants to exclude the Court's CMECF_Helpdesk mailbox from any automatic replies.

If you have questions regarding Court policies, procedures, or a particular filing, it is best to contact the Court by phone Mon-Fri (8:30-4:30) at (918) 758-0127 or (918) 758-0126. After hours until 8:00 p.m., you may

call the Help Desk at (918) 759-HELP. If you have technical issues with the Court's website or with CM/ECF you may wish to contact the Court's technical support Helpdesk at (918) 758-0257.

In the alternative, if you wish to send an e-mail regarding policy, procedures, or general questions the shared e-mail address is courtinfo_okeb@okeb.uscourts.gov. For technical support the e-mail address is helpdesk@okeb.uscourts.gov

NEW LAWS IN EFFECT:

Some of the new laws that took effect on December 1, 2006, include the requirement under Bankruptcy Rule 1009, that if a debtor has submitted an incorrect social security number, they are required to submit a corrected Statement of Social Security and provide the corrected Statement of Social Security to all persons or entities who would have received the initial social security number, which would include all creditors in a case, as well as the trustee, etc. In addition, Bankruptcy Rule 7004 clarifies that the debtor's attorney must be served with the summons and complaint filed against the debtor.

FORM CHANGES:

Pursuant to the new Rules of Federal Procedure that took effect December 1, 2006, we now have new bankruptcy subpoena forms that reflect the electronic discovery amendments to the Federal Rules of Civil Procedure. These forms include B-254, which is the subpoena for Rule 2004 examinations; B-255, the subpoena in an adversary proceeding and B-256, the subpoena in a case under the Bankruptcy Code. In addition, there were several new forms, including he petition, that changed in October, 2006. The revised forms are posted at

http://www.uscourts.gov/bkforms/bankruptcy_forms.html . They will also be available on our website.

INTERNET EXPLORER 7:

Many of you may already be aware that Internet Explorer has come out with Internet Explorer 7. This update is being distributed as a high-priority update via Automatic Updates and the Windows Update and Microsoft Update Sites. For those of you who have updated your browser or those who will be updating your browser, we would like to include some suggestions related to CM/ECF.

Internet Explorer 7 (IE7) includes a Pop-up Blocker which will prevent the pay.gov screen from appearing and may cause other CM/ECF issues. The Pop-up Blocker can be easily turned off by clicking on Tools and then select Pop-up Blocker, you can now click on Turn off Pop-up Blocker. Use the same process to turn it back on when needed.

You may also wish to add our court's address to the allowed list of sites that can send pop-ups. Again click on Tools, then Pop-up Blocker and finally Pop-up Blocker Settings. You can now add our website to the list of allowed sites. TIP: Placing an asterisk * and then a period in front of a web address is a global setting that will allow all websites with that address to send pop-ups. To allow all US Courts' websites you would add *.uscourts.gov to the list.

From time to time our Helpdesk will receive a call describing a user's CM/ECF screens not displaying all the information that should be available to them or some other related issue. Many problems like this can be resolved by clearing the browser's cache (pronounced "cash", a type of electronic memory). In IE7 the cache can be cleared by

clicking Tools and Delete Browsing History. From this screen you would locate the first section: Temporary Internet Files and click Delete files, and then yes to delete files. Next locate the second section: Cookies and click Delete cookies, and then yes to delete cookies. (Cookies are saved on your computer by websites to save your browsing preferences and other information). The next sections of History, Form data and Passwords are also listed in this area should you need to access them or click on close to exit this screen.

Some users have reported issues with IE7 while trying to use Pay.gov. The workaround is to disable the Phishing Filter. Click Tools and then Internet Options. Locate the Advanced Tab and open. Check “Disable Phishing Filter”, uncheck “Warn About Certificate Mismatch” and uncheck “Warn if changing between secure and not secure mode”. This workaround seems to clear up any issues that have occurred with pay.gov.

WRITTEN OPINIONS - PACER:

All persons have free access to this court’s written opinions. You must have a PACER account to view or print the opinions but there will be no charge for this service through PACER. There is no cost to register for PACER. To access this court’s written opinions a PACER or CM/ECF user will find the *written opinion* link under the heading *Reports*. The user can search written opinions by case number, last name, or date filed. The user may choose summary text or full docket text when running the search. The written opinions of this court may be searched from 1994 to the present date and time. The user may choose to view/print a written opinion without a pacer fee being charged to the user.

JUST FOR LAUGHS:

A frog goes into a bank and approaches the teller. He can see from her nameplate that her name is Patricia Whack. “Miss Whack, I’d like to get a \$30,000 loan to take a holiday.”



Patty looks at the frog in disbelief and asks his name. The frog says his name is Kermit Jagger, his dad is Mick Jagger, and that it’s okay, he knows the bank manager.

Patty explains that he will need to secure the loan with some collateral.

The frog says, “Sure. I have this,” and produces a tiny porcelain elephant, about an inch tall, bright pink and perfectly formed.

Very confused, Patty explains that she’ll have to consult with the bank manager and disappears into a back office.

She finds the manager and says, “There’s a frog called Kermit Jagger out there who claims to know you and wants to borrow \$30,000 and he wants to use this as collateral.”

She holds up the tiny pink elephant. “I mean, what in the world is this?”

The bank manager looks back at her and says . . .

“It’s a knickknack, Patty Whack. Give the frog a loan. His old man’s a Rolling Stone!”